

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**M.F., a minor, by and through his father, §  
MICHAEL FISHER, and his mother, §  
KATHERINE FISHER, §**

**Plaintiff,**

**Civil Action No. 4:23-cv-01102-O**

**V.**

**CARROLL INDEPENDENT SCHOOL DISTRICT, WHITNEY WHEELER, in her individual capacity and capacity as Principal of Durham Intermediate School, AND KIM RAY, in her individual capacity and capacity as Assistant Principal and Campus Behavior Coordinator of Durham Intermediate School,**

## JURY TRIAL DEMANDED

**ORAL ARGUMENT REQUESTED**

## Defendants.

**PLAINTIFF M.F.'S APPENDIX IN SUPPORT OF ITS REPLY BRIEF  
IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER**

Dated: November 3, 2023

Respectfully submitted,

/s/ Griffin S. Rubin

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**ATTORNEYS FOR PLAINTIFF**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**M.F., a minor, by and through his father, §  
MICHAEL FISHER, and his mother, §  
KATHERINE FISHER, §**

**Plaintiff, §**

**v. §**

**CARROLL INDEPENDENT §  
SCHOOL DISTRICT, WHITNEY §  
WHEELER, in her individual capacity §  
and capacity as Principal of Durham §  
Intermediate School, AND KIM RAY, §  
in her individual capacity and capacity §  
as Assistant Principal and Campus §  
Behavior Coordinator of Durham §  
Intermediate School, §**

**Defendants. §**

**Civil Action No. 4:23-cv-01102-O**

**JURY TRIAL DEMANDED**

**ORAL ARGUMENT REQUESTED**

**DECLARATION OF MICHAEL DAVID FISHER**

1. My name is Michael David Fisher. My date of birth is September 5, 1973. I am over the age of 18, am competent to make this Declaration, and do so based on personal knowledge.

2. I am the father of M.F., the minor plaintiff in this matter.

3. On October 27, 2023, I attended the DAEP placement hearing for M.F.

4. During those proceedings, M.F. explicitly informed Defendants that he did not create or publish the post of the individual Defendants identify as “Minor #2” in their response to the motion for temporary restraining order.

5. Attached hereto as Exhibit A is a true and correct copy of Defendants’ Disciplinary Alternative Education Program Placement Order for M.F. that was received on October 29, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 2, 2023.

DocuSigned by:  
*Michael Fisher*  
C258DAECC630449...

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Michael D. Fisher

# EXHIBIT A

*Empowering all Dragons to Achieve Excellence*



**CARROLL**  
INDEPENDENT SCHOOL DISTRICT

*Lane Ledbetter, Ed.D.  
Superintendent of Schools*

October 29, 2023

Mr. & Mrs. Michael Fisher

Emailed to parents



Southlake TX 76092

**DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM PLACEMENT ORDER**

M■■ F■■ was recommended for placement in Carroll ISD's Disciplinary Alternative Education Program (DAEP) for engaging in bullying, specifically cyberbullying, that occurred off school property or outside of a school-related activity that substantially disrupts the orderly operation of a classroom, school or school-sponsored or school-related activity, and in violation of the CISD Student Code of Conduct, *FFI (Legal)* and *FFI (Local)*, and the Texas Education Code section 37.0832. A DAEP placement conference was held on Friday, October 27, 2023 at 12:30pm at Durham Intermediate School before Kim Ray, Assistant Principal and Hearing Officer. Present at the conference were: M■■ F■■ student, Katherine Fisher, mother, Michael Fisher, father, Michael Fisher, Grandfather, Griffin Rubin, counsel for the Fisher family, Officer Wormley, Durham SRO, Whitney Wheeler, Principal, and Katie Pestcoe, CISD legal counsel. At the conference, your student was given an opportunity to share his account of the events.

After considering the information related to the alleged misconduct, the student's account of events, social media postings, the policies related to the allegation against the student, and the facts involved, it was determined that M■■ committed the misconduct as charged.

IT IS ORDERED that M■■ F■■ be placed in the Carroll ISD Disciplinary Alternative Education Program for 45 school days with the placement to begin on October 30, 2023.

M■■ is prohibited from attending or participating in school-sponsored or school-related activities during the term of placement in DAEP. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

*Empowering all Dragons to Achieve Excellence*



# CARROLL

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## INDEPENDENT SCHOOL DISTRICT

Should the student seek to enroll in another school district before serving the full term of the DAEP placement, Carroll ISD will provide a copy of the DAEP order at the same time other records are provided to the enrolling school district.

The personal data of the student is as follows:

Name: M [REDACTED] F [REDACTED] DOB: [REDACTED] 2011

SSN: [REDACTED] 9734 Sex: Male

Parent/guardian: Katherine and Micahel Fisher Phone: [REDACTED]

Home address: [REDACTED] Southlake TX 76092

County: Tarrant

Dated this the 29th day of October, 2023.

Kim Ray  
Campus Behavior Coordinator  
Carroll ISD